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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ELOISE HERRON,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 2:17-cv-03051-GMN-GWF

**STIPULATION AND ORDER OF
VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

IT IS HEREBY STIPLUATED AND AGREED, by and between Plaintiff Eloise Herron (“Herron”) and Defendant United States of America (“United States”), the complaint filed as against the United States in the above-entitled case by Plaintiff Herron (attached as Exhibit A to the United States’ Petition for Removal, (ECF No. 1)) shall be voluntarily dismissed without

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prejudice.¹ Each party shall bear their own costs and attorney's fees.

Respectfully submitted this 22nd day of January 2018.

DAYLE ELIESON
United States Attorney

GLEN LERNER INJURY ATTORNEYS

/s/ Mark E. Woolf
MARK E. WOOLF
LINDSY M. ROBERTS
Assistant United States Attorneys

/s/ Joshua L. Benson
JOSHUA L. BENSON
Attorneys for Plaintiff

IT IS SO ORDERED:

GLORIA M. NAVARRO
United States District Judge

DATED: _____

¹ The United States filed a Notice of Substitution (ECF No. 2) pursuant to 28 U.S.C. § 2679(b)(1) and (d), which provides that suit against the United States, and not an individual, is the exclusive remedy for negligence claims against a government employee arising out of acts performed within the scope of his or her employment. Individually named Defendant Mister Jonathan Jackson, III, has been certified as acting within the course and scope of his employment at the time of the incident out of which the claim arises (*see* Exhibit A attached to the United States' Notice of Substitution), meaning the claims asserted against him are claims against the United States.

CERTIFICATE OF SERVICE

I, Mark E. Woolf, certify that the **STIPULATION AND ORDER OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE** was served on all parties via the Court's Electronic Case Filing system.

Dated this 22nd day of January 2018.

/s/ Mark E. Woolf
MARK E. WOOLF
Assistant United States Attorney